

**POINT OF ROCKS FISHING ACCESS SITE
INITIAL DEVELOPMENT PROJECT
ENVIRONMENTAL ASSESSMENT
DECISION NOTICE**

**Montana Fish, Wildlife & Parks
Region Three, Bozeman
August 2008**

Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposes to develop new river access on the upstream parcel of the Point of Rocks Fishing Access Site (FAS), to replace a substandard pioneered ramp downstream (on the lower parcel) that is badly eroded. Development would include new highway signs, a concrete boat ramp, vault latrine, parking for 12 vehicles, and an overflow parking area for approximately another 12 - 15 vehicles. The existing highway approach will be improved as well.

The Point of Rocks Fishing Access Site is located approximately 30 miles south of Livingston along the Yellowstone River. This site is located between the Gallatin and Absaroka mountain ranges. The Point of Rocks FAS is located at river mile 537. The closest upstream FAS is Crystal Cross at river mile 541. Emigrant FAS is the next site downstream from Point of Rocks at river mile 525. The stretch of the Yellowstone River that runs from river mile 508 to river mile 542 is ranked sixth in Region 3 and 17th for the state for the number of angler days (34,887 in 2005).

The downstream site is 15 acres and has been leased from Montana Department of Transportation since 1982. This site is primitively developed with a steep pioneered boat launch into a high water channel and gravel parking area. The use of this ramp and erosion of the riverbank has made it difficult to safely launch and retrieve boats. Current use allows uncontrolled vehicle access across a gravel bar to the main river channel. Following development of the upstream site, parking at this site will continue but will be limited to walk-in or carry-in boat use only. The existing eroded boat launch area will be blocked with boulders and reclaimed.

The upstream parcel is 44 acres and was purchased in 1993. There are no parking or river access improvements at this area. The proposed project focuses on this site and would include the development of new highway signs, a concrete boat ramp, a vault latrine, and parking for 12 vehicles with overflow parking for an additional 12-15 vehicles. The existing highway approach will be flattened and improved.

The purpose of the proposed developments is to improve the safety of recreationists launching and retrieving boats at the FAS in addition to preventing further erosion at the existing pioneered boat ramp into the Yellowstone River. The additional parking will decrease congestion at the downstream parking area. The proposed development will provide better public access to area anglers in addition to increasing other general public recreational opportunities with the improved FAS on the Yellowstone River.

Montana Environmental Policy Act

Montana Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess significant potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on July 11, 2008.

Public comments on the proposed project were taken for 30 days (through August 11, 2008). The EA was mailed to 29 individuals and groups, legal notices were printed in the *Helena Independent Record*, *Bozeman Chronicle* and the *Livingston Enterprise*, and the Draft EA was posted on the FWP webpage: <http://fwp.mt.gov/publicnotices/>

Summary of Public Comment

Four written comments were received on the proposed project. Two comments were opposed to and two comments were supportive of the proposal.

Comment #1 (opposed to project)

1A.) It is very difficult for me to understand why another access site is needed, especially less than a half mile from the existing site. Nowhere in the EA did I see a needs based assessment that concluded such a facility is required.

FWP response: The proposed project would replace the existing pioneered boat launch area on the downstream parcel, which is badly eroded and unsuitable for safe trailer boat launching, with a new concrete boat ramp on the upstream parcel. The existing boat launch area (on the downstream parcel) would be closed and reclaimed upon construction of a new boat ramp.

1B.) While this may be promoted as “fishing access,” it is no less an unsightly/unnecessary development of our beautiful valley, with no remediation of the present site.

FWP response: Montana Fish, Wildlife & Parks seeks to provide access to major rivers spaced generally on a half-day float spacing. FWP designs fishing access sites to be functional and blend harmoniously with the surrounding landscape. This proposal would provide the minimal facilities necessary to provide public access to the Yellowstone River and provide for the public’s health and safety. FWP employs accepted Best Management Practices (see Appendix 4 in the EA) to design facilities such as contained this proposal to best protect the river and adjacent land environments. As stated above, the existing boat launch area will be closed (blocked with boulders and reclaimed).

1C.) The proposed development of the upstream site will have access onto and off U.S. Highway 89 South (an already very dangerous stretch of highway), just north of the Yellowstone River bridge. This will be a very dangerous intersection from a traffic standpoint by virtue of its proximity to the bridge.

FWP response: FWP engineers and designers have extensive experience designing site entrances that lead from high-speed highways. Further, FWP works closely with MDT

officials to maximize safe ingress and egress from FWP fishing access sites and must obtain an “approach” permit to access the highway.

1D.) The EA contemplates the construction of a concrete boat ramp into the Yellowstone River. I cannot imagine that construction of such a structure is permissible, particularly given the delicate nature of the stream-bank and adjoining riparian areas.

FWP response: FWP has constructed a number of concrete boat ramps into the Yellowstone River in Region Three (i.e., Loch Leven, Mallard’s Rest, Pine Creek, Grey Owl, etc.). FWP must obtain permits from Park County, U.S. Corps of Engineers, Montana Department of Environmental Quality, and a SPA 124 MT Stream Protection Act permit in order to construct a boat ramp at this location. FWP has extensive experience with all these permit processes.

1E) The area between the proposed site and Highway 89 has a very excessive infestation of noxious weeds, primarily Spotted Knapweed. With the proposed roadway to the site going directly through this infested area, any vehicular traffic will only further spread this area of infestation to neighboring weed free sites.

FWP response: FWP is aware of the knapweed at this site and will be making plans with Park County weed officials to take some control actions later this summer. Vehicles using reconstructed roads and parking areas should not come into contact with noxious weeds, thus limiting the potential for spread.

1F.) The downstream Point of Rocks access site is less than a half mile from the proposed new site. My understanding is that the proposed development will not require the closure of this existing site...stating that it will be used for “overflow parking.” Consequently, there would be parking for over 50 vehicles in total.

FWP response: The eroded, pioneered boat launching area on the downstream parcel will be blocked with boulders and reclaimed. This public property will remain open for wade fishing, hand carry launching of river craft, and other recreational activities. Parking of vehicles will continue to be permitted at the downstream parcel, but I would not characterize this parking as overflow from the proposed new boat ramp due to the distance between the two parcels.

Comment #2 (opposed to project)

Currently, there is already 3 access points within a 5-mile radius offering public access for floaters and fishers. The current Point of Rocks access area north of the bridge simply needs revision so that river users do not have to drive out onto the riparian areas of the river.

It would appear to me that the need to revise the current access site due to all its dangers should take precedence over the need for an additional site. The fact that vehicles routinely drive through over 1 mile of Yellowstone River bottom reflects a lack of vigilance on behalf of you and your office on protecting the Yellowstone River. I have witnessed this very dangerous act many times in living right across from the access point. My fear is that dangerous chemicals could eventually spill into this Blue Ribbon trout

stream. I am sure that noxious weeds and other contaminants are routinely displaced here.

Furthermore, in support of revision and upgrade to the current access site, there is plenty of room for parking. The addition of rest rooms would also be helpful. This could be a very nice access area with proper thought and limited work. The access at "MM26" is also very dangerous and in need of an upgrade. The steepness of this take out is very hazardous to anyone who uses this ramp.

As an outfitter and river user myself, I will always support public access, however I simply do not feel there is a need to overlook current areas in need of work and restoration to place another access site 1 mile upstream.

FWP response: The suitability for launching boats at the current location is marginal at best. The steep bank in this location currently must be negotiated to get to the Yellowstone River bottom. Unfortunately, the main channel of the river has moved quite a distance away from the west bank and only a shallow channel remains which becomes unsuitable for launching as the summer progresses. Costs to overcome the steep bank and lack of deep water for launching trailered boats would be extreme at this location. These are the reasons for proposing the new boat launch location. The proposed location takes advantage of the bank armoring that was done to protect the Highway 89 bridge immediately below the proposed boat ramp location. This section of riverbank is stable, the river current is negotiable due to an eddy just upstream in front of a rock cliff, and the water depth is suitable for launching of river craft from trailers. From an engineering and cost standpoint, the proposed location was deemed the most stable and suitable. As explained above, the eroded, pioneered boat launching area on the downstream parcel will be blocked with boulders and reclaimed, thus eliminating the easy vehicle access to the Yellowstone River bottom for which concern was expressed by the commenter.

The access point on the Yellowstone River referenced in the comment as MM26 (Mile Marker 26) is, to the best of our knowledge and research, located on private property. While public use of this property is apparently being tolerated at the present, there is no guarantee that this access point will remain available in the future.

Comment #3 (supportive of project)

2) I would like to support the Alternative C (Proposed Action) in the EA for Point of Rocks FAS. That would be building a new FAS on FWP land right by the bridge. I understand the current FAS there is the old gravel pit from years back, with just a gravel boat ramp. A concrete one would be an improvement.

I also understand that there is some opposition to this proposal, but believe that providing Montana Citizens more access to the rivers that they own, is a good thing. In the future, people will glad that this was done.

I also point out that there has been some notes on the bad weed infestation in the proposed FAS, and believe that being a designated FAS should improve that condition, as then the legislated "Good Neighbor Policy" would apply for sure to this property, and thus weed control would be one of the highest priorities. Weed Control is very important to the Yellowstone Valley.

So, put me down as supporting the development of the new Point of Rocks FAS, as long as the old one remains accessible as it is now.

FWP response: So noted.

Comment #4 (supportive of project)

3.) The Joe Brooks Chapter of Trout Unlimited for Park and Sweetgrass Counties has no problems with the proposed new fishing access upstream of the Point of Rocks on the Yellowstone River. During low water, the existing access can allow traffic up and down the riverbed, which could be damaging it, therefore we also recommend turning the existing fishing access (Point of Rocks) into a walk in only access.

FWP response: So noted.

Final Environmental Assessment for the Point of Rocks Fishing Access Site Initial Development Project Proposal

There are no modifications necessary to the Draft Environmental Assessment based on public comment. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment, public comment, and the need for providing a safe and useable boat ramp at Point of Rocks FAS, it is my decision to proceed with the initial development project as described in the EA.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

Appeal

This project is subject to appeal, which must be submitted to the FWP Director (Jeff Hagener, Director, Montana Fish, Wildlife & Parks, PO Box 200701, Helena, MT 59620-0701) in writing and postmarked within 30 days of the date on this decision notice. The appeal must specifically describe the basis for the appeal, explain how the appellant has previously commented to the department or participated in the decision-making process, and lay out how FWP may address the concerns in the appeal. If you have questions regarding this decision notice, please contact Jerry Walker, Regional Parks Manager at 406-994-3552.

Patrick J. Flowers
Region Three Supervisor
